

THE COURT OF COMMON PLEAS, CIVIL DIVISION
CUYAHOGA COUNTY, OHIO

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

VINCENT L. EALOM

Plaintiff

v.

UNIVERSITY CIRCLE POLICE DEPARTMENT,
ET AL.
Defendant

CASE NO. CV24995717

JUDGE DAVID T MATIA

SUMMONS

SUMC CM

Notice ID: 53545544



From: VINCENT L. EALOM
2190 AMBLESIDE DRIVE
CLEVELAND OH 44105

P1

Atty.: MARK A KAISER
P.O. BOX 702
GENEVA, OH 44041-0000

To: UNIVERSITY CIRCLE POLICE DEPARTMENT D1
12100 EUCLID AVENUE
CLEVELAND OH 44106

NOTICE TO THE DEFENDANT:

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

If you wish to respond to the Complaint, you must deliver a written **Answer** to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) at the above address *within 28 days* after receiving this Summons (not counting the day you received it). A letter or a phone call will not protect you. Civil Rule 5 explains the ways that you may deliver the **Answer** (<http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>)

You must also file a copy of your **Answer** with this Court *within 3 days after* you serve it on the Plaintiff. You can file your **Answer** with the Clerk of Courts by one of the following methods: 1) In-person or by mail at the above address or 2) electronically through the online e-Filing system. For more information on using the e-Filing system, visit <http://coc.cuyahogacounty.us/en-US/efiling.aspx>.

If you fail to serve *and* file your **Answer**, you will lose valuable rights. The Court will decide the case in favor of the Plaintiff and grant the relief requested in the **Complaint** by entering a default judgment against you.

You may wish to hire an attorney to represent you. Because this is a civil lawsuit, the Court cannot appoint an attorney for you. If you need help finding a lawyer, contact a local bar association and request assistance.



Nailah K. Byrd
Clerk of Court of Common Pleas
216-443-7950

Janya Perkins

By _____
Deputy

Date Sent: 04/12/2024

CMSN130



Cuyahoga County Clerk of Courts

Nailah K. Byrd

Multilingual Notice:

You have been named as a defendant in this Court. You must file an answer within 28 days; if you fail to answer, the Court may enter judgment against you for the relief stated in the Complaint. Seek assistance from both an interpreter and an attorney. Your inability to understand, write, or speak English will not be a defense to possible judgment against you.

1. Spanish (US)

***Aviso multilingüe:

Este Tribunal lo ha declarado como acusado. Debe presentar una respuesta en un plazo de 28 días. Si no contesta en dicho plazo, el Tribunal podrá dictar sentencia en su contra por el amparo que se detalla en la demanda. Solicite la ayuda de un intérprete y dé un abogado. Su incapacidad para comprender, escribir o hablar inglés no se considerará como defensa ante una posible sentencia en su contra.

2. Somali

***Ogeysiis luqadda badan ah:

Waxaa laguu magacaabay sida eedeyane gudaha Maxkamadan. Waa in aad ku soo gudbisaa jawaab 28 maalmood gúdahood; haddii aad ku guuldareysto jawaabta, Maxkamada laga yaabo in ay gasho xukun adiga kaa soo horjeedo ee ka nasashada lagu sheegay Cabashada. Raadi caawinta ka timid labadaba turjubaanka iyo qareenka. Karti la'aantaada aad ku fahmo, ku qoro, ama ku hadasho Af Ingiriisiga ma noqon doonto difaacida xukunkaaga suuralka ah ee adiga kugu lidka ah.

3. Russian

***Уведомление на разных языках:

Вы были названы в качестве ответчика в данном суде. Вы должны предоставить ответ в течение 28 дней; если Ваш ответ не будет получен, суд может вынести решение против Вас и удовлетворить содержащиеся в жалобе требования. Воспользуйтесь услугами переводчика и адвоката. Тот факт, что Вы не понимаете английскую речь и не можете читать и писать по-английски, не является препятствием для возможного вынесения судебного решения против Вас.

4. Arabic

**ملاحظة متعددة اللغات:

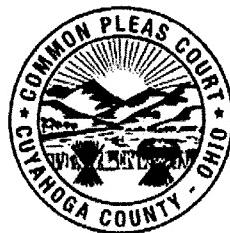
لقد تم اعتبارك مدعى عليه في هذه المحكمة. يجب أن تقدم ردا خلال 28 يوماً؛ وإذا لم تقم بذلك، فقد تصدر المحكمة حكمها ضدك بالتعويض المنصوص عليه في هذه الشكوى القضائية. اطلب المساعدة من مترجم فوري ومحام. فلن تعد عدم قدرتك على فهم اللغة الإنجليزية أو كتابتها أو تحدثها دفاعا لك أمام الحكم المحتمل ضدك.

5. Chinese (Simplified)

***多語版本通知：

您在本法庭已被列为被告。您必须于 28

日内递交答辩状；如果没有递交答辩状，法庭会针对诉状中声明的补救措施对您作出不利判决。请向口译人员和律师寻求帮助。您无法理解、书写或说英语的情况不能作为对您可能作出不利判决的辩护理由。



**NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113**

Court of Common Pleas

**New Case Electronically Filed: COMPLAINT
April 10, 2024 11:15**

By: MARK A. KAISER 0029637

Confirmation Nbr. 3136542

VINCENT L. EALOM

CV 24 995717

vs.

Judge: DAVID T. MATIA
UNIVERSITY CIRCLE POLICE DEPARTMENT, ET AL.

Pages Filed: 5

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

VINCENT L. EALOM)	CASE NO.
2190 AMBLESIDE DRIVE)	
CLEVELAND, OHIO 44105)	
)	
Plaintiff)	JUDGE
)	
-v-)	
)	
UNIVERSITY CIRCLE POLICE)	
DEPARTMENT)	COMPLAINT
12100 Euclid Avenue)	(JURY DEMAND ENDORSED HEREON)
Cleveland, Ohio 44106)	
)	
and)	
)	
JUDSON MANOR/JUDSON SENIOR)	
LIVING/JUDSON SENIOR LIVING)	
COMMUNITIES)	
1890 East 107 th Street)	
Cleveland, Ohio 44106)	
)	
and)	
)	
GLOVER ROSTON)	
20830 Tracy Avenue)	
Euclid, Ohio 44123)	
)	
and)	
)	
JAMES HAIRSTON)	
c/o JUDSON MANOR/JUDSON SENIOR)	
LIVING COMMUNITIES)	
1890 East 107 th Street)	
Cleveland, Ohio 44107)	
)	
and)	
)	
JAMEY HOFFMAN)	
c/o UNIVERSITY CIRCLE POLICE)	
DEPARTMENT)	
12100 Euclid Avenue)	
Cleveland, Ohio 44106)	
)	

and)
)
JACOB LOCKHART)
c/o UNIVERSITY CIRCLE POLICE)
DEPARTMENT)
12100 Euclid Avenue)
Cleveland, Ohio 44106)
)
Defendants)

FACTS

1. On or about October 2, 2022, plaintiff, while being chased by unknown wrongdoers, ran to Judson Manor, 1890 East 107th Street, Cleveland, Ohio seeking protection. Upon arrival, plaintiff pounded on the doors which were locked. Defendant, James Hairston, employed by Judson Manor as a security guard, unlocked the doors and allowed plaintiff to come inside. Upon plaintiff's request, Mr. Hairston called the University Circle Police Department.

2. While waiting inside for the police to arrive, defendant, Glover Boston, also then employed by Judson Manor as a security guard in plain clothes, arrived on the scene and assaulted plaintiff by slamming him to the ground and by choking plaintiff.

3. The police arrived on the scene and stopped the assault and handcuffed plaintiff. The police called an ambulance to transport plaintiff to the Cleveland Clinic Emergency Room and one officer followed the ambulance while the other went with plaintiff in the ambulance. Plaintiff was handcuffed in the ambulance.

4. At the hospital plaintiff received treatment for his injuries and was thereafter released.

5. Sometime in late October, 2022, plaintiff received a summons and four count indictment in his mail to appear in the Cuyahoga County Court of Common Pleas on November 16, 2022 for an arraignment. He was indicted on four counts. Count One was for Aggravated Burglary, in violation of R.C. 2911.11 (A)(1), a felony of the first degree, carrying a potential

prison sentence of 3 to 11 years. Count Two was for Burglary, in violation of R.C. 2911.12(A)(1), a felony of the second degree, carrying a potential prison sentence of 2 to 8 years. Count Three was for Burglary, in violation of R.C. 2911.12 (B), a felony of the fourth degree, carrying a potential prison sentence of eighteen months. Count Four was for Criminal Damaging or Endangering, in violation of R.C. 2909.06 (A) (1), a misdemeanor of the first degree, carrying a potential jail sentence of 6 months.

6. On November 16, 2022, plaintiff appeared for his arraignment, entered a plea of not guilty to all counts, and was granted a personal bond of \$10,000.

7. After multiple pretrials, on April 13, 2023, plaintiff went to trial on all four counts. He was acquitted by the court under Ohio Criminal Rule 29 on counts one, two and four, without having to put on a defense. After closing arguments, and without the defense calling any witnesses, he was acquitted by the jury on count three.

COUNT ONE (MALICIOUS PROSECUTION)

8. The defendants caused the prosecution of plaintiff to be commenced and continued without probable cause and with malice. Video tapes available to the defendants from the date of the incident to the end of the trial showed indisputably and unquestionably that plaintiff had not committed the crimes for which he was wrongfully charged, indicted, and put on trial.

9. The criminal proceedings ended with plaintiff being found not guilty and exonerated as to all counts in the indictment.

10. The above constitutes malicious prosecution.

11. As a direct and proximate result of defendants' malicious prosecution of plaintiff, plaintiff experienced extreme mental and emotional distress, realized lost wages via the loss of

his two jobs, lost his apartment, and realized a loss of his good reputation and suffered other damages to be proven at trial.

COUNT TWO (42 U.S.C. section 1983)

12. The above allegations constitute a denial of plaintiff's constitutional rights to freedom of speech, freedom of association, freedom from false prosecution, protected under the first, fourth and fourteenth amendments to the United States Constitution.

13. Individual defendants were acting under the color of state law in their capacities as police authorities or security guards.

14. Defendants are liable to plaintiff under 42 U.S.C. section 1983 for their deprivation and violation of plaintiff's first, fourth and fourteenth amendments rights. During the unjust and unconstitutional prosecution of plaintiff, defendants acted to deny plaintiff his right to free speech, right to free association, right to be free from prosecution without probable cause, and the right to not be subjected to malicious misconduct on the part of the defendants.

15. As a direct and proximate result of defendants' deprivation and violation of plaintiff's first, fourth, and fourteenth amendment rights, plaintiff experienced extreme mental and emotional distress, realized lost wages via the loss of his two jobs, lost his apartment, and realized a loss of his good reputation and suffered other damages to be proven at trial.

COUNT THREE (RESPONDEAT SUPERIOR)

16. Defendants Roston and Hairston were at all relevant times acting in the course of their employment and in furtherance of the interests of their employer, Judson Manor/Judson Senior Living Communities.

17. Defendants Hoffman and Lockhart were at all relevant times acting in the course of their employment and in furtherance of the interests of their employer, University Circle Police Department.

18. Defendant, Judson Manor/Judson Senior Living Communities, is liable to plaintiff for the actions of defendants, Roston and Hairston under the doctrine of respondeat superior.

19. Defendant, University Circle Police Department, is liable to plaintiff for the actions of defendants, Hoffman and Lockhart under the doctrine of respondeat superior.

20. Defendants Judson Manor/Judson Senior Living Communities and University Circle Police Department are liable to plaintiff for his extreme mental and emotional distress, his lost wages via the loss of his two jobs, his lost apartment, his loss of good reputation and for other damages to be proven at trial.

WHEREFORE, plaintiff requests judgment against defendants, jointly and severally, for compensatory damages exceeding twenty-five thousand dollars (\$25,000), punitive damages of one million dollars (\$1,000,000), reimbursement of court costs, interest on the judgment at the permitted statutory rate, and whatever other relief the court deems just and equitable.

Respectfully submitted,

/s/ Mark A. Kaiser
Mark A. Kaiser (0029637)
Attorney for plaintiff
P.O. Box 702
Geneva, Ohio 44041
Phone: (440) 840-1323
Email: ronanskies@hotmail.com

JURY DEMAND

Plaintiff demands a trial by jury as to all counts in the complaint.

/s/ Mark A. Kaiser
Mark A. Kaiser

NAILAH K. BYRD
1200 Ontario
Cleveland, OH 44113

RETURN RECEIPT REQUESTED ELECTRONICALLY

Case# CV24995717



9314 8001 1300 3549 8095 94



UNIVERSITY CIRCLE POLICE DEPARTMENT
12100 EUCLID AVE
CLEVELAND OH 44106-4309